



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0477

Introduced 2/1/2007, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act
225 ILCS 41/15-7 new

Creates the Health Care Practitioner Profile Act. Requires the Department of Financial and Professional Regulation to make available to the public a profile of each health care practitioner licensed under Illinois law. Requires the Department to make the profile available through an Internet web site and, if requested, in writing. Sets forth that information which must be contained within the profile. Provides that, prior to release to the public, a practitioner shall be provided with a copy of his or her individual profile, shall have 60 days to correct any factual inaccuracies that may appear in the profile, and may elect to omit certain information from the profile. Grants rulemaking authority to the Department. Amends the Funeral Directors and Embalmers Licensing Code to require the Department to make available to the public a profile of each funeral director licensed under the Act.

LRB095 03349 RAS 23353 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Health
5 Care Practitioner Profile Act.

6 Section 5. Purpose. Professional practice within the
7 health care field in the State of Illinois affects the public
8 health, safety, and welfare and is subject to regulation and
9 control in the public interest. It is declared to be a matter
10 of public interest and concern that health care practitioners
11 merit and receive the confidence of the public. This Act shall
12 be liberally construed to carry out this objective and purpose.

13 Section 10. Definitions. In this Act:

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Health care facility" means any public or private
17 hospital, clinic, center, medical school, medical training
18 institution, laboratory or diagnostic facility, physician's or
19 health care practitioner's office, infirmary, dispensary,
20 ambulatory surgical treatment center, or other institution or
21 location wherein health care services are provided to any
22 person, including physician or health care practitioner

1 organizations and associations, networks, joint ventures, and
2 all other combinations of those organizations.

3 "Health care practitioner" means any individual licensed
4 under the laws of this State to provide health care services.
5 "Health care practitioner" includes, without limitation,
6 dentists and pharmacists. "Health care practitioner" does not
7 include a physician licensed to practice medicine in all of its
8 branches, a chiropractic physician licensed to treat human
9 ailments without the use of drugs and without operative
10 surgery, or a health care facility.

11 "Health care services" means any services included in the
12 furnishing to any individual of medical care, or the
13 hospitalization incident to the furnishing of such care, as
14 well as the furnishing to any person of any and all other
15 services for the preventing, alleviating, curing, or healing
16 human illness or injury including, home health and
17 pharmaceutical services and products.

18 Section 15. Health care practitioner profile required. The
19 Department shall make available to the public a profile of each
20 health care practitioner. The Department shall make this
21 information available through an Internet web site and, if
22 requested, in writing.

23 Section 20. Profile contents. Each health care
24 practitioner profile shall contain the following information:

- 1 (1) the full name of the health care practitioner;
- 2 (2) a description of any criminal convictions for
3 felonies and Class A misdemeanors, as determined by the
4 Department, within the most recent 5 years. For the
5 purposes of this Section, a person shall be deemed to be
6 convicted of a crime if he or she pleaded guilty or if he
7 was found or adjudged guilty by a court of competent
8 jurisdiction;
- 9 (3) a description of any final Department disciplinary
10 actions within the most recent 5 years;
- 11 (4) a description of any final disciplinary actions by
12 licensing boards in other states within the most recent 5
13 years;
- 14 (5) a description of revocation or involuntary
15 restriction of health care facility privileges for reasons
16 related to competence or character that have been taken by
17 the facility's governing body or any other official of the
18 facility after procedural due process has been afforded, or
19 the resignation from or nonrenewal of medical staff
20 membership or the restriction of privileges at a facility
21 taken in lieu of or in settlement of a pending disciplinary
22 case related to competence or character in that facility.
23 Only cases which have occurred within the most recent 5
24 years shall be disclosed by the Department to the public;
- 25 (6) all professional malpractice court judgments and
26 all professional malpractice arbitration awards in which a

1 payment was awarded to a complaining party during the most
2 recent 5 years and all settlements of professional
3 malpractice claims in which a payment was made to a
4 complaining party within the most recent 5 years. A
5 professional malpractice judgment or award that has been
6 appealed shall be identified prominently as "Under Appeal"
7 on the profile within 20 days of formal written notice to
8 the Department. Information concerning all settlements
9 shall be accompanied by the following statement:
10 "Settlement of a claim may occur for a variety of reasons
11 which do not necessarily reflect negatively on the
12 professional competence or conduct of the health care
13 practitioner. A payment in settlement of a professional
14 malpractice action or claim should not be construed as
15 creating a presumption that professional malpractice has
16 occurred." Nothing in this subdivision (6) shall be
17 construed to limit or prevent the Department from providing
18 further explanatory information regarding the significance
19 of categories in which settlements are reported. Pending
20 malpractice claims shall not be disclosed by the Department
21 to the public. Nothing in this subdivision (6) shall be
22 construed to prevent the Department from investigating and
23 disciplining a health care practitioner on the basis of
24 malpractice claims that are pending;

25 (7) names of medical schools attended and professional
26 programs enrolled in, dates of attendance and enrollment,

1 and dates of graduation;

2 (8) graduate medical or other health care-related
3 education;

4 (9) specialty board certification, if any;

5 (10) number of years in practice and locations;

6 (11) names of the health care facilities where the
7 health care practitioner has privileges;

8 (12) appointments to medical school or graduate
9 program faculties and indication as to whether a health
10 care practitioner has a responsibility for graduate
11 education within the most recent 5 years;

12 (13) information regarding publications in
13 peer-reviewed literature within the most recent 5 years;

14 (14) information regarding professional or community
15 service activities and awards;

16 (15) the location of the health care practitioner's
17 primary practice setting;

18 (16) identification of any translating services that
19 may be available at the health care practitioner's primary
20 practice location; and

21 (17) an indication of whether the health care
22 practitioner participates in the Medicaid program.

23 Section 25. Health care practitioner review of profile.

24 (a) The Department shall provide each health care
25 practitioner with a copy of his or her profile prior to release

1 to the public. A health care practitioner shall be provided 60
2 days to correct factual inaccuracies that appear in the
3 profile.

4 (b) A health care practitioner may elect to have his or her
5 profile omit certain information provided pursuant to
6 subdivisions (12) through (14) of Section 20 concerning
7 academic appointments and teaching responsibilities,
8 publication in peer-reviewed journals, and professional and
9 community service awards. In collecting information for such
10 profiles and in disseminating the same, the Department shall
11 inform health care practitioners that they may choose not to
12 provide the information required pursuant to subdivisions (12)
13 through (14) of Section 20.

14 Section 30. Rulemaking. The Department shall adopt any
15 rules necessary for the administration of this Act.

16 Section 90. The Funeral Directors and Embalmers Licensing
17 Code is amended by adding Section 15-7 as follows:

18 (225 ILCS 41/15-7 new)

19 Sec. 15-7. Funeral director profile.

20 (a) The Department shall make available to the public a
21 profile of each funeral director licensed under this Act. The
22 Department shall make this information available through an
23 Internet web site and, if requested, in writing. The funeral

1 director profile shall contain the following information:

2 (1) the full name of the funeral director;

3 (2) a description of any criminal convictions for
4 felonies and Class A misdemeanors, as determined by the
5 Department, within the most recent 5 years. For the
6 purposes of this Section, a person shall be deemed to be
7 convicted of a crime if he or she pleaded guilty or if he
8 was found or adjudged guilty by a court of competent
9 jurisdiction;

10 (3) a description of any final Department disciplinary
11 actions within the most recent 5 years;

12 (4) a description of any final disciplinary actions by
13 licensing boards in other states within the most recent 5
14 years;

15 (5) any civil judgments and arbitration awards in which
16 a payment was awarded to a complaining party relating to
17 the practice of funeral directing during the most recent 5
18 years and all settlements of such claims in which a payment
19 was made to a complaining party within the most recent 5
20 years. A judgment or award that has been appealed shall be
21 identified prominently as "Under Appeal" on the profile
22 within 20 days of formal written notice to the Department.
23 Information concerning all settlements shall be
24 accompanied by the following statement: "Settlement of a
25 claim may occur for a variety of reasons which do not
26 necessarily reflect negatively on the professional

1 competence or conduct of the funeral director. A payment in
2 settlement of an action or claim should not be construed as
3 creating a presumption that professional malpractice has
4 occurred." Nothing in this subdivision (5) shall be
5 construed to limit or prevent the Board from providing
6 further explanatory information regarding the significance
7 of categories in which settlements are reported. Pending
8 claims shall not be disclosed by the Department to the
9 public. Nothing in this subdivision (5) shall be construed
10 to prevent the Board from investigating and the Department
11 from disciplining a funeral director on the basis of claims
12 that are pending;

13 (6) names of colleges or universities attended and
14 funeral directing programs enrolled in, dates of
15 attendance and enrollment, and dates of graduation;

16 (7) specialty certification, if any;

17 (8) number of years in practice and locations;

18 (9) appointments to educational faculties and
19 indication as to whether a funeral director has a
20 responsibility for education in the area of funeral
21 directing within the most recent 5 years;

22 (10) information regarding publications in
23 peer-reviewed literature within the most recent 5 years;

24 (11) information regarding professional or community
25 service activities and awards; and

26 (12) the location of the funeral director's primary

1 place of business.

2 (c) The Board shall provide individual funeral directors
3 with a copy of their profiles prior to release to the public. A
4 funeral director shall be provided 60 days to correct factual
5 inaccuracies that appear in such profile.

6 (d) A funeral director may elect to have his or her profile
7 omit certain information provided pursuant to subdivisions (9)
8 through (11) of subsection (b) concerning academic
9 appointments and teaching responsibilities, publication in
10 peer-reviewed journals, and professional and community service
11 awards. In collecting information for the profiles and in
12 disseminating the same, the Board shall inform funeral
13 directors that they may choose not to provide such information
14 required pursuant to subdivisions (9) through (11) of
15 subsection (b).

16 (e) The Department shall adopt any rules necessary to
17 accomplish the requirements of this Section.